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2	DEPARTMENT OF INSURANCE
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In the Matter of) De alest No. 004 400 IND
DARWIN NATIONAL ASSURANCE COMPANY) Docket No. 06A-102-INS)
(DE) (NAIC NO. 16624)) ORDER RELEASING) RETALIATORY DEPOSIT
Petitioner)

Arizona Revised Statutes § 20-588 provides, in part, that deposited funds shall be released and returned to the Petitioner to the extent that such deposit is in excess of the amount required.

FINDINGS OF FACT

- 1. Darwin National Assurance Company ("Petitioner"), a Delaware domiciled insurer, was issued its certificate of authority to transact mortgage guaranty insurance in Arizona effective February 24, 1982.
- 2. Effective August 29, 1991, Petitioner's authority to transact mortgage guaranty insurance was terminated and Petitioner was granted authority to transact casualty without workers' compensation, property and surety insurance.
- 3. In accordance with A.R.S. §§ 20-230 and 20-582(3), the Director ordered Petitioner to make a retaliatory deposit with the Arizona State Treasurer ("Retaliatory Deposit"). The approximate current balance of the Retaliatory Deposit is \$55,000 (Fifty five thousand dollars).
- 4. Upon a review of all existing retaliatory deposits, the Arizona Department of Insurance determined that Petitioner's Retaliatory Deposit is no longer required pursuant to A.R.S. § 20-230 and that it is appropriate to release the Retaliatory Deposit to the Petitioner.

CONCLUSIONS OF LAW

1. The Director has no personal liability for the release of such deposit so made by her 2 in good faith as provided in A.R.S. § 20-588(B). 3 2. Petitioner is entitled to the release of its Retaliatory Deposit pursuant to A.R.S. 4 § 20-230 and 20-588(A)(2). 5 **ORDER** 6 THEREFORE IT IS ORDERED that Petitioner's Retaliatory Deposit shall be released to 7 Petitioner. 8 Dated this 18th day of July , 2006 9 10 11 CHRISTINA URIAS **Director of Insurance** 12 COPY of the foregoing mailed/delivered 13 this 20th day of July , 2006, to: 14 Stephen J. Sills, President 15 **Darwin National Assurance Company** 9 Farm Springs Road 16 Farmington, CT 06032 17 Steve Ferguson, Assistant Director 18 Ed Caldwell, Chief Analyst - Foreign and Alternative Markets Leslie Hess, Legal Analyst 19 Herbert Swafford, Legal Analyst Department of Insurance 2910 N. 44th Street, Suite 210 20 Phoenix, AZ 85018 21

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